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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/900,964	07/25/1997	RICHARD D. CAPPELS	P2106/757	8672

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EXAMINER

NGUYEN, JIMMY H

ART UNIT	PAPER NUMBER
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2673

32

DATE MAILED: 10/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

dl.k

Office Action Summary

Application No.

08/900,964

Applicant(s)

CAPPELS, RICHARD D.

Examiner

Jimmy H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☒ Interview Summary (PTO-413) Paper No(s). 31.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. In view of the DECISION ON APPEAL on 04/15/2003, and Applicant's request during the telephone interview on 10/27/2003 with Applicant's representative, Nancy Simon (see the enclosed Interview Summary, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

Claim Objections

2. Claims 43 and 44 are objected to under 37 CFR 1.75(a) because although these claims meet the requirement 112/2d, i.e., the metes and bounds are determinable, however, the feature, "using a display control device ... signal", lines 8-10 of independent claim 43, should be changed to --causing a display control device to receive a video signal and said window information signal, and to process said video signal in response to said window information signal--, because an instruction for performing a step, which requires a structure, results in a claim which is not a proper method claim, see Decision On Appeal, page 3, first paragraph.

It is in the best interest of the patent community that applicant, in his/her normal review and/or rewriting of the claims, to take into consideration these editorial situations and make changes as necessary.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 26-28, 34-37 and 41-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Masuda et al. (USPN: 5,978,041), hereinafter Masuda.

Regarding to claims 26, 27, 36, 37, 43 and 45, the claimed invention reads on Masuda as follows: Masuda discloses a system (an image display system as shown in **fig. 48**) and an associate method for generating a high-luminance viewing window (**a specific area for displaying a picture B**, see **fig. 48, col. 38, line 13**, and the disclosure at **col. 10, lines 16-21**, teaches the luminance or the brightness of the window area higher than the luminance of the area outside the window area) on a computer display device (**the picture display means 350, fig. 48**), the system comprising a host computer system (**the picture output means 351, fig. 48, col. 38, lines 5-10, lines 23-25**) for running an application program (**col. 36, line 59-63, col. 37, lines 25-32 and col. 38, lines 3-10**); a processor device (**a CPU circuit 34/3104, fig. 48**) for automatically generating a window control signal (**control signal, fig. 48**) via an interface (352) in response to said application program (the disclosure, specifically **fig. 48 and col. 36, line 59 through col. 37, line 14**, teaches control signal provided by the CPU to the display device, in response to an application program, and the disclosure, specifically, **fig. 52 and col. 39, lines 50-60**, teaches the control signal including the position and size of the specific area B corresponding to the claimed window); a window generator device (**a timing generator 355, fig. 52**) for receiving the window control signal (**composition position data of the picture B, col. 39, lines 50-53**) and for generating a window information signal (**a timing signal key (Key), fig. 52, col. 39, lines 61-67**); and a display control device (**a device including elements 3110-3116 and 3101, see fig. 52, and elements 11, 13, 125 as shown in fig. 24**, since in the case the picture display device 3101 is a cathode ray tube display device as disclosed at col. 43, lines 5-11, the

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picture display device 3101 at least includes a video processing circuit and a variable gain video output circuit, e.g., as shown in fig. 24) included in the computer display device (350) (**col. 39, lines 41-42**), for receiving a video signal (**Video 1, fig. 52**) and the window information signal (**Key**), for processing the video signal in response to window information signal (**fig. 52**) and for providing a processed video signal to a computer display screen such as a cathode ray tube (**a signal provided to a CRT 14, fig. 24**). Masuda further teaches the display control device (a device including elements 3110-3116 and 3101, and elements 11, 13, 125 as shown in fig. 24) being a video amplifier (by virtue of the operation described at col. 25, lines 36-41).

Accordingly, the Masuda reference anticipates the invention defined in claims 26, 27, 36, 37, 43 and 45.

Regarding to claim 28, Masuda's the CRT display device inherently comprises a high voltage power supply (HVPS) for providing a high voltage signal to an anode of the CRT device in order to display an image on the CRT (col. 43, lines 52-55).

Regarding to claims 34, 41 and 44, Masuda further teaches the information (a television picture signal B, fig. 48, col. 32, lines 49-52) within the window is different from information (a computer picture data A, fig. 48) outside the window.

Regarding to claims 35 and 42, Masuda further teaches the host computer providing a HSYNC signal (fig. 54) and a VSYNC signal (fig. 54).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 29-33 and 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masuda as applied to claims 28 and 37 above, and further in view of Lagoni (USPN: 5,204,748).

Regarding to claims 29, 30 and 38, as discussed in the rejection to claim 28 above, Masuda's the CRT display device inherently comprises a high voltage power supply (HVPS) for providing a high voltage signal to an anode of the CRT device. Masuda further teaches that, in the case of a CRT display device, when the mean brightness is extremely increased causing an extremely high beam current to flow, it will affect the life time of the CRT device (col. 43, lines 5-10), but Masuda does not teach to use the limiter device for limiting beam current.

Accordingly, Masuda discloses everything except for the limiter device of claims 29 and 38.

However, Lagoni teaches an apparatus and an associate method for displaying a small window on a main window on a CRT display device (col. 1, lines 7-11), wherein the CRT display device (fig. 1) comprises a high voltage power supply (29) for providing a high voltage signal to an anode of said CRT device (fig. 1, col. 5, lines 27-32), and an automatic beam limiter (a circuit including BCL section 41, BCL switch section 53, white peak detector 49, auxiliary contrast filter 63, main contrast filter 33 and threshold comparator 50, see fig. 1) for sampling the current of said high voltage signal to automatically determine when to limit said signal (col. 1, lines 26-49, and col. 7, line 56 – col. 8, line 36). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to provide Lagoni's ABL in the CRT display device of Masuda, in view of the teaching in the Lagoni reference, because this would prevent damage to the picture tube due to an excessive beam current, thereby prolong the

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life time of the CRT display device, as recognized by both Masuda (col. 43, lines 5-10) and Lagoni (col. 1, lines 26-49 and col. 2, lines 8-14).

Regarding to claims 31-33, 39 and 40, as discussed in the rejection above, Masuda teaches the display control device (a device including elements 3110-3116 and 3101, and elements 11, 13, 125 as shown in fig. 24) being a video amplifier (by virtue of the operation described at col. 25, lines 36-41). And, Lagoni further teaches that a PIP processor (5) as a window generator device receives a window control signal (a PIP control signal generated by the receiver control 7, see fig. 2) and generates a window information signal (FS) to the ABL (col. 6, lines 53-59), and the ABL provides an analog window signal (an output of BCL section 41 being provided to the brightness filter section 39, see fig. 2, col. 1, lines 39-44) to control the gain of a video amplifier (a combination of elements 9-11, 13, 15, 17 and 39) (see column 6, line 48 - column 7, line 55). Accordingly, the combination of Lagoni and Masuda discloses the claimed invention defined in these claims.

Double Patenting

7. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

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8. Claims 26-45 are provisionally rejected under the judicially created doctrine of double patenting over claim 51 of copending Application No. 09/705,140. This is a provisional double patenting rejection since the conflicting claims have not yet been patented. However, it is noted Applicant that claim 51 of copending Application No. 09/705,140 was allowed on 09/08/2003.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: a system for generating a high luminance viewing window on a display screen, comprising a video application for generating a window request, means for processing the window request and responsively providing a plurality of window control signals, a window generator, an automatic beam limiter, a video amplifier, and a power supply.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy H. Nguyen whose telephone number is (703) 306-5422. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached at (703) 305-4938.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Technology Center 2600 Customer Service Office whose telephone
number is (703) 306-03770377.

JHN
October 28, 2003



BIPIN SHALWALA
SUPERVISORY PATENT EXAMINER
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